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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 DANIEL THREADGILL,

11 Petitioner,

12 v.

13 DONALD HOLBROOK,

14 Respondent.

CASE NO. C20-0695JLR

ORDER ON LIMITED REMAND

15 This matter comes before the court on limited remand from the Ninth Circuit  
16 Court of Appeals. (USCA Not. (Dkt. # 32).) The Ninth Circuit remanded this case for  
17 the limited purpose of granting or denying a certification of appealability (“COA”) under  
18 28 U.S.C. § 2253(c) with respect to the court’s July 12, 2021 post-judgment order.  
19 (USCA Not. at 2.)

20 On May 6, 2021, the court adopted Magistrate Judge Mary Alice Theiler’s Report  
21 and Recommendation (“R&R”) and dismissed Petitioner Daniel Threadgill’s petition for  
22 writ of habeas corpus, after Mr. Threadgill failed to file objections despite being granted

1 several extensions of time to do so. (*See* 5/6/21 Order (Dkt. # 21) (adopting R&R);  
2 2/18/21 Order (Dkt. # 18) (granting extension until April 5, 2021 to file objections);  
3 3/29/21 Order (Dkt. # 20) (granting extension until May 3, 2021 to file objections).)  
4 More than a month later, on June 22, 2021, Mr. Threadgill filed a motion for relief from  
5 judgment and belated objections to the R&R. (Mot. (Dkt. # 23); Obj. (Dkt. # 24).) The  
6 court denied both filings on July 12, 2021. (7/12/21 Order (Dkt. # 25) at 1-2.)

7 Under 28 U.S.C. § 2253(c)(3), a COA may issue only where a petitioner has made  
8 “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(3).  
9 To satisfy this standard, the petitioner must show that reasonable jurists could disagree  
10 with the district court’s resolution of his or her constitutional claims or that jurists could  
11 agree the issues presented were adequate to deserve encouragement to proceed further.  
12 *Slack v. McDaniel*, 529 U.S. 473, 483-85 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880,  
13 893 n.4 (1983)). Under this standard, the court concludes that Mr. Threadgill is not  
14 entitled to a COA with respect to the issues within the court’s July 12, 2021  
15 post-judgment order. The issues are straightforward and did not warrant relief for the  
16 reasons explained in that order. (*See* 7/12/21 Order at 2-5.) There is no room for  
17 reasonable jurists to disagree about whether Mr. Threadgill established the necessary  
18 extraordinary circumstances to justify the reopening of a final judgment under Rule

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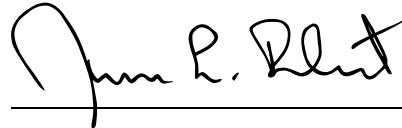
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1 60(b)(6), or whether the objections were meritorious. Accordingly, the court DENIES a  
2 COA for all issues in its July 12, 2021 post-judgment order.

3 Dated this 8th day of September, 2021.

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6 JAMES L. ROBART  
7 United States District Judge  
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